IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISC. APPLICATION (BAIL) NO. 413 OF 2006

MR. MARCUS WATTS ....Appellant

Versus

STATE THROUGH P.I. ATTACHED TO CALALGUTE POLICE STATION ....Respondent

Mr. Menino Teles, Advocate for the Appellant/Accused.
Ms. Winnie Coutinho, Public Prosecutor for the State.

Coram:- N. A. BRITTO, J.

Date:- 20th December, 2006

P.C.

Heard Shri Telles, the learned Advocate on behalf of the applicant/accused and learned Public Prosecutor Ms. Coutinho on behalf of the Respondent/State.

2. The applicant herein was arrested on 12.11.2006 in Crime no. 80/06 under Section 376 I.P.C. and since then, has been in custody.

3. The applicant approached the Court of Sessions for bail but his application came to be dismissed vide Order dated 05.12.2006, and therefore, the applicant has now approached this Court for bail.

4. The complaint against the accused came to be filed by a victim, who is 65 years of age. The incident took place at about 06.15 hours, near the bus stop in front of Sai Communication at Calangute. The allegation is that a person came near the said shop, took her to another place and then raped her. After the incident, one of the persons present informed her that the person who had come in a Rickshaw and raped her was known as Anthony, a Spaniard, but according to the said victim, the

assailant was speaking like a English person. The learned Sessions Judge rejected the bail application, inter alia, on the ground that the identification parade was not yet held and, therefore, it could not be said that the investigations have been completed. It is now conceded on behalf of the respondent that an identification parade was indeed held but the said victim was unable to identify the accused who is a British National, aged 24 years, as the assailant. Nevertheless, it is stated on behalf of the respondent that the assailant had left his shoes and shorts at the scene, after the incident of assault/rape. However, it appears that the said shoes/shorts are yet to be got identified as belonging to the present accused.

5. Considering the facts and circumstances of this case, this is a fit case to admit the accused to bail.

6. The accused shall be released upon execution of a bond of Rs.50,000/- with one surety in the like amount to the satisfaction of the learned Sesions Judge, Panaji, and with a further condition that the accused shall deposit before the Investigation Officer his passport/visa or other travel documents. The Investigation Officer in turn shall inform the Consulate/Embassy concerned about the said passport being with the Investigation Officer, so that the accused is precluded from obtaining a duplicate passport and escaping from this Country.

6. Application allowed on the above terms.

N. A. BRITTO, J.

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